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NSC FOR CBARTON HQ USSOUTHCOM ALSO FOR POLAD UNSID DCHA/OTI FOR RPORTER

E.O. 12958: DECL: 05/25/2014

TAGS: PHUM PGOV VE

SUBJECT: NATIONAL GUARD SOLDIERS HELD IN PRISON KILLINGS

Classified By: A/POLITICAL COUNSELOR MARK WELLS FOR REASONS 1.4 (d)

SUMMARY

11. (U) The Bolivar state appeals court June 7 ordered four National Guardsmen be detained pending trial for murder. The four are suspected of executing seven prisoners and wounding 200 in the Vista Hermosa prison November 10, 2003. A lower court had set the four free March 9, 2004. The case is being pursued by prosecutors and the prison rights group Observatorio Venezuelano de Prisiones. End Summary.

Vista Hermosa Massacre

- 12. (C) The Bolivar state appeals court June 7 ordered four National Guardsmen be detained pending trial for murder. The four are suspected of executing seven prisoners, and wounding 200 in the Vista Hermosa prison, located in Bolivar state, November 10, 2003. The appeals court decision overturns the ruling of the local judge, who had freed the four men after rejecting the eye witness testimony of 20 inmates. The judge argued that the testimony of the prisoners was inherently unreliable. Humberto Prado of the prison rights group Observatorio Venezuelano de Prisiones (OVP), told PolOff June 16 that the local judge's decision was, "A license for (the National Guard GN) to kill in the prisons." OVP is pursuing
- 13. (C) Prado said the origin of the massacre was a prison uprising in August 2003, in which prisoners took some of their family members hostage, demanding improved prison conditions. Prado stated that there is prisoner testimony that GN Cap. William Jose Campos, in charge of the guard detachment, pointed a gun at the head of one of the leaders of the uprising, and threatened to kill him when the uprising was over. Following this the prosecutors' office requested that the GN remove Campos from prison duty, which it did.

the case together with the prosecutor's office.

- 14. (C) On November 10, 2003, however, Campos reappeared at the prison and had the prisoners line up outside to be searched. According to Prado, all the prisoners were then brutally beaten (PolOff saw pictures) by the four National Guardsmen now being charged together with three prison guards employed by the Ministry of Interior and Justice (MIJ) (Note: The MIJ is responsible for interior security in prisons, while the GN is responsible for perimeter security only.) The names of seven men were then called out. They included five leaders of the August uprising, and two prisoners who had committed crimes against members of the GN (murder and robbery respectively). The seven men were then shot in the head. Prado states that forensic evidence shows all seven wounds have a descending trajectory, indicating execution. There are also 20 testimonies of witnesses which corroborate this version. Alonso Medina Roa, the defense lawyer for the National Guardsmen, told PolOff June 14 that while some of the prisoners may have been killed by the National Guard, some were killed by the prison guards working for the MIJ, and some by the prisoners themselves.
- 15. (U) GN Gen. Alberto Betancourt Nieves, commander of GN forces in the region, rejected the appeals court's decision to detain the four National Guardsmen June 8, and questioned the professionalism of the judges and prosecutors involved in the case. He told reporters that, "For any National Guardsman service in prisons is the most detestable thing in his professional career, and so we are not going to act violently against something that is unworthy." He further stated, "We are not going to make a big deal about murderers, drug dealers, thieves, and the victimizers of the community, whom no one wants, we are not going to dirty ourselves with something that is not worth it, and that represents such insignificant beings."

16. (C) The attitude of Gen. Betancourt Nieves is shared by many in the criminal justice system. GN and MIJ guards do, however, "dirty themselves" inside prison walls, frequently trafficking guns, drugs and other contraband. The shocking barbarity of this case is perhaps outdone by the impunity that had up to now been shown to the National Guardsmen. The prosecutors and judges in this case, together with OVP, are trying to force the penal system to come to terms with the brutal nature of the prisons, and to stand up for the rule of law. Given the relatively non-political nature of the case, it will be an interesting test of the willingness of the GOV to allow judges and prosecutors to act independently against violations of human rights, and to protect and respect the work of NGOS. SHAPIRO

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